

Ordinance No. 2007-06-25 -1777-B

**An Ordinance Levying a Privilege Tax Upon the Occupancy in any Hotel or Motel or any Place in Which Rooms, Lodgings or Accommodations are Furnished to Transients for a Consideration in the City of Lenoir City, Tennessee**

**WHEREAS**, Tennessee Code Annotated (TCA) §67-4-1401 authorizes the levy by ordinance of a hotel/motel tax by any city with home rule in accordance with the Tennessee Constitution, Article XI, Section 9; now,

**THEREFORE, BE IT ORDAINED** by the Board of Mayor and City Council of the City of Lenoir City, Tennessee as follows:

**Section 1. Definitions.**

As used in this ordinance.

- (1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money, goods, labor or otherwise, including all receipts, cash, credits, property, and services of any kind or nature without any deduction therefrom whatsoever;
- (2) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist camp, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration;
- (3) "Occupancy" means the use or possession, or the right to use or possession, of any room, lodgings or accommodations in any hotel;
- (4) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise.
- (5) "Persons" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit; and
- (6) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

**Section 2. Permit Required.**

No person will conduct, keep, manage, operate, or cause to be conducted, kept, managed or operated, either as owner, lessor, agent or attorney, any hotel in the City without having obtained a permit from the City Administrator or his designee to do so.

**Section 3. Not Transferable.**

No permit issued under this ordinance shall be transferred or assigned.

**Section 4. Duration.**

Hotel permits shall be issued annually and shall expire on the last day of December of each year.

**Section 5. Register Required; Availability for Inspection.**

Every person to whom a permit is issued under this ordinance shall at all times keep a standard hotel register, in which shall be inscribed the names of all guests renting or occupying rooms in his hotel. Such register shall be signed in every case by the persons renting a room or by someone

**Section 7 Privilege tax levied; use.**

(A) Pursuant to the provisions of TCA §67-4-1401 through TCA §67-4-1325, there is hereby levied a privilege of occupancy in any hotel of each transient. From and after the operative date of this ordinance the rate of the levy shall be 5% of the consideration charged by the operator. This privilege tax shall be collected pursuant to and subject to the provisions of these statutory provisions. The City Administrator shall be designed as the authorized collector to administer and enforce the ordinance and these statutory provisions.

(B) The proceeds received from this tax shall be available for the City's general fund. Proceeds of this tax may not be used to provide a subsidy in any form to any hotel or motel.

**Section 8. Payment of the Tax.**

Payment of the tax by the motel to the City shall be no later than the 20<sup>th</sup> day of each month for the preceding month.

**Section 9. Interest and penalty for late payment.**

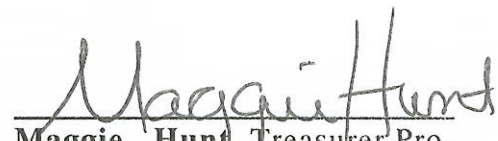
The hotel operator is responsible for paying interest or delinquent taxes, 8% per annum, plus a penalty of 1% per month.

**Section 10. Records Requirement.**

The hotel operator must keep records for three years, with the right of inspection by the City.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect 30 days after final passage, the public welfare requiring it.


  
Matt Brookshire, Mayor

  
Maggie Hunt, Treasurer Pro-  
Tempore

June 11, 2007 First Reading

June 25, 2007 Second Reading

June 25, 2007 Public Hearing

  
M. Shannon Littleton, City Attorney  
as to form

